

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :  
: Plaintiff,  
: : 09 Civ. 6829 (JSR)  
-against- : 10 Civ. 0215 (JSR)  
BANK OF AMERICA CORPORATION, : ECF Cases  
: Defendant.  
:

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JOINT STATUS REPORT PURSUANT TO MAY 6, 2010 ORDER

August 30, 2013

BY ECF

The Honorable Jed S. Rakoff  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1340  
New York, NY 10007

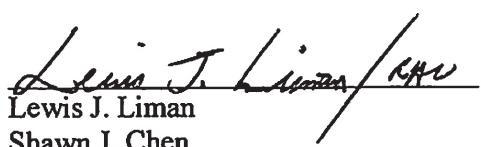
Re: SEC v. Bank of America Corp., Nos. 09-cv-6829, 10-cv-0215

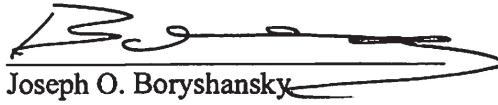
Dear Judge Rakoff:

Per the Court's May 6, 2010 order, the SEC and Bank of America Corporation respectfully submit this report on the status of the Fair Fund distribution.<sup>1</sup>

As the Court is aware, in November 2012 the Distribution Agent began distributing the last \$30 million of Fair Fund proceeds to nearly 400,000 claimants. By August 23, 2013, claimants cashed approximately \$29.6 million and the remaining balance is approximately \$698,000. On August 2, 2013, the Distribution Agent sent reissued checks totaling approximately \$30,000 to 242 claimants who, for various reasons, had failed to timely cash their prior distributions, and gave those claimants 60 days to cash their checks. After the 60 days elapse on October 1, 2013, the Distribution Agent will close the Fair Fund administration, provide the SEC staff with a final accounting, and pay the remaining balance to the United States Treasury.

Respectfully submitted,

  
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<sup>1</sup> Capitalized terms have the meanings ascribed to them in the Plan of Distribution.